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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/625,681	07/25/2000	David A Reams	PHLY-25,394	9354

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EXAMINER	
BUI, KIEU OANH T	

ART UNIT	PAPER NUMBER
2623	

DATE MAILED: 06/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/625,681	REAMS, DAVID A	
	Examiner	Art Unit	
	KIEU-OANH T. BUI	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 May 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *14-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *14-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/01/06 has been entered.

Remarks

2. Claims 1-13, and 28-49 were previously canceled. Pending claims are amended claims 14-27 for reconsideration.

Response to Arguments

3. Applicant's arguments filed on 05/01/06 have been fully considered but they are not persuasive.

Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

The half page remark in page 6 simply and merely states the present claims are allowable over the prior arts without any further reasons and/or supportive statements.

Claim Rejections - 35 USC 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> *A person shall be entitled to a patent unless --*
> *(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.*

5. Claims 14-15,17-22, and 26-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Nadan (U.S. Patent No. 5,321,750/ or "Nadan" hereinafter).

Regarding claim 14, Nadan discloses "a method for retrieving product information including at least product/service identification or description and related to a commercial event and associated with a remote location on a communications network, comprising the steps of: receiving proximate (or near) a user location a broadcast from a broadcast network including within the broadcast a data set that is associated with the product information, extracting the data set from a non-video portion of the broadcast in an extracting system; and operating a connection device at a time later than the broadcast to connect the user location to the remote location on the network that is associated with the product information in response to extracting the data set to enable retrieval of the product information from the remote location", i.e., users being nearby receiving device at a remote location 16 from the broadcast center (as shown in Figs. 1, 11, & 16 for the network broadcasting system) can access or remotely retrieve product information including at least identification or description related to a commercial event as well as extracting

data from a non-video portion of the broadcast associated with product information (col. 3/lines 38-57, col. 4/line 33 to col. 5/line 6, and col. 6/lines 30-50 for updates or upgrades information controlled by an operator of the network broadcasting system including a first stream data, then a second stream sequence data as for an update or requested information; Fig. 2 for stream data with encoded signals, and Fig. 6 for a decoder for decoding and extracting information from the stream data and interpreting information identification codes for product information, see col. 8/line 59-col. 9/line 27 & col. 10/line 25 to col. 11/line 17). In addition, the objective of Nadan clearly demonstrates that clients is allowed to access the remote sources of vendors or merchants for updates or further information related to a product or service, since the broadcast does not provide the full information because of costs concerned (col. 1/line 30-66); therefore, Figure 2 shows update fields 24 for (reserved) containing additional information if the user requests, field 22 simply refers to header information for identifying which decoder-receiver 16 is requesting information from sources via a host computer CPU 425 (as illustrated in Figs. 11 & 16; and col. 4/line 33 to col. 5/line 6 & col. 14/lines 1-14 for unique DID addressed). Furthermore, Figure 17 of Nadan clearly shows portion d contains H & D for header and non-video information of update information, and portion v contains TV information (refer to col. 27/line 42 to col. 28/line 44), and the connection occurs at a later time as the user access at a later time via a host computer as a connection device, not real-time, for updates obtaining from remote sources 310 or 10 (Fig. 11/for 310 or Fig. 16/source 10; and col. 4/line 39 to col. 5/line 6 for a memory in storing and retrieving update information related to the second stream data).

As for claim 15, in view of claim 14, Nadan discloses "wherein the step of receiving comprises the steps of: generating a reference signal in a receiving device; presenting a reception signal from the broadcast at an input of the receiving device; mixing the reception signal with the reference signal to detect a received signal in the receiving device; demodulating the received signal to output a data stream; and coupling the data stream to a data decoder", i.e., a reference signal identified as a unique display identification (DID) code presenting and mixing with the reception signal at the receiving device as an enable reception message (shown in Fig. 3A) and the demodulating step occurs (col. 81/lines 5-12) and to a decoder (as shown in Fig. 16 with a DEMOD 630 to a EDAC decoder 640 within a receiving decoder 316 at the user's location remote from the host CPU 425).

As for claim 17, in view of claim 15, Nadan inherently teaches "wherein the step of presenting a reception signal at an input to the receiving device comprises the step of: locating an RF signal encoded with the reception signal comprising modulation variations in a carrier signal in the broadcast within the range of a detection antenna coupled to an input of the receiving device", i.e., TV signals are received at the TFC 450 and TV signals regarding as conventional RF signals equipped with an antenna for receiving the signals (Fig. 16, and col. 38/lines 24-33).

As for claim 18, in view of claim 15, Nadan discloses "wherein the step of mixing the reception signal with the reference signal to detect a received signal in the receiving device comprises the steps of: detecting the received signal by mixing the reception signal and the reference signal in a nonlinear circuit; and outputting the received signal corresponding to a difference between the frequencies of the reception and the reference signals", i.e., output signals

are corresponding to frequencies of the received signals and reference signals (see details in col. 12/line 1 to col. 13/line 33).

As for claim 19, in view of claim 14, Nadan further discloses "wherein the step of extracting comprises the steps of decoding the data set to output the product information in binary data form; coupling the binary data product information to a first memory in a data processor; and executing a first program of instructions to process the product information and send it to the connection device", i.e., data is decoded to digital data or in binary data form using a A/D decoder and the information data is storing in a memory of a processor for processing, and the update data is processed and sent to the user's device (Fig. 6, and col. 10/line 35 to col. 11/line 26).

As for claim 20, in view of claim 14, Nadan further discloses "wherein the step of operating comprises the steps of: receiving and reading the product information from the extracting step; and executing a second program of instructions to establish a communication connection between the user location and the remote location using information read from the product information", i.e., the connection between the user location and the remote location is established as soon as the received information DID codes from the product information match with the code stored in the receiving device, the update data can be retrieved and displayed on the user's device (col. 10/line 42 to col. 11/line 26).

Regarding claims 21-22, and 26-27, these claims for "a method for retrieving product information including at least product/service identification or description and related to a commercial event and associated with a remote location on a communications network, comprising the steps of: receiving proximate a user location a broadcast including a data set

associated with the product information, the signal embedded in a widely disseminated communication from a source to numerous user locations having a device for retrieving the signal; extracting the data set from the signal in an extracting system; and operating a connection device to connect the user location to the remote location on the network in response to extracting the data set to enable retrieval of the product information from the remote location" are rejected for the reasons given in the same scope of claims 14-15, and 17-20 as already discussed above.

In addition, the objective of Nadan clearly demonstrates that clients is allowed to access the remote sources of vendors or merchants for updates or further information related to a product or service, since the broadcast does not provide the full information because of costs concerned (col. 1/line 30-66); therefore, Figure 2 shows update fields 24 for (reserved) containing additional information if the user requests, field 22 simply refers to header information for identifying which decoder-receiver 16, at the user location, is requesting information from sources via a host computer CPU 425 (as illustrated in Figs. 11 & 16, and the decoder-receiver 16 extracts information for presenting the data information and TV information on the display screen at TV 317 (also illustrated in Fig. 13 for TV display and financial news from a remote broadcast source); and col. 4/line 33 to col. 5/line 6 & col. 14/lines 1-14 for unique DID addressed). Furthermore, Figure 17 of Nadan clearly shows portion d contains H & D for header and non-video information of update information, and portion v contains TV information (refer to col. 27/line 42 to col. 28/line 44), and the connection occurs at a later time as the user access at a later time via a host computer as a connection device, not real-time, for updates obtaining from remote sources 310 or 10 (Fig. 11/for 310 or Fig. 16/source 10; and col.

4/line 39 to col. 5/line 6 for a memory in storing and retrieving update information related to the second stream data).

Claim Rejections - 35 USC 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> *(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.*

7. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nadan (U.S. Patent No. 5,321,750) in view of Tsinberg (U.S. Patent No. 4,873,567).

Regarding claim 16, in view of claim 15, Nadan does not mention "wherein the step of generating a reference signal in a receiving device comprises the step of: activating a local oscillator having a predetermined frequency and amplitude to provide a heterodyning signal"; however, such a technique of activating a local oscillator having a predetermined frequency and amplitude to provide a heterodyning signal is well-known in the art. In fact, Tsinberg in an HDTV enhancement system teaches an exact same technique (Tsinberg, Fig. 3 and col. 7/lines 3-53). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Nadan's system with a known technique as taught by Tsinberg in order to clarifying the step of generating a reference signal using an oscillator for providing a heterodyne signal for constructing enhancement signals as disclosed by Tsinberg.

8. Claims 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nadan (U.S. Patent No. 5,321,750) in view of Ring et al. (US Patent No. 6,460,768 B2/ or "Ring" hereinafter).

Regarding claims 23-25, Nadan does not disclose the claiming features thereof; however, these steps of "wherein the step of generating a reference signal in a receiving device comprises the step of: activating a light source to provide a coherent light beam having a predetermined wavelength and intensity to provide an incident signal"; "wherein the step of presenting a reception signal at an input to the receiving device comprises the step of: locating a printed indicia encoded with the reception signal comprising the reflected variations in light beam intensity resulting from scanning the printed indicia in the widely disseminated communication within the range of a detection device coupled to an input of the receiving device"; and "wherein the step of mixing the reception signal with the reference signal to detect a received signal in the receiving device comprises the steps of: detecting the received signal by placing the reference signal in incident relationship upon the printed indicia containing the reception signal; and outputting the received signal corresponding to reflected variation in light intensity resulting from scanning the printed indicia" as well as "wherein said receiver device comprises a circuit tuned to detect optically distinguishable indicia in a printed publication" and "wherein said circuit comprises a scanning device for reading a machine readable code" are well-known in the art of scanning; and they are taught by Ring as Ring discloses a printed indicia can be read by an optical detected device such as a scanner, which is used for detecting the printed indicia or a printed bar code by activating a light source to provide a coherent light beam having a

predetermined wavelength and intensity to provide an incident signal (Ring, Fig. 1, and col. 1/lines 10-67, col. 3/lines 13-19, col. 4/line 66 to col. 5/line 16, col. 13/line 39-53; and col. 18/line 40 to col. 19/line 38). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to simply incorporate well-known features of a scanner light detector as taught by Ring, widely used at Point Of Sale POS terminals in commercial markets, into Nadan's system in order to provide the product information readable at the vendor's site to a remote location as preferred.

Conclusion

9. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to PTO New Central Fax number:

(571) 273-8300, (for Technology Center 2600 only)

Hand deliveries must be made to Customer Service Window, Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krista Kieu-Oanh Bui whose telephone number is (571) 272-7291. The examiner can normally be reached on Monday-Friday from 9:30 AM to 7:00 PM, with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller, can be reached at (571) 272-7353.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kieu-Oanh Bui
Primary Examiner
Art Unit 2623

KB
June 01, 2006